



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,186	04/19/2004	Henry L. Restarick	HES	2422
7590	01/14/2005		2000-IP-001993U1D1C1	
TIMOTHY E. NIEDNAGEL BOSE McKINNEY & EVANS LLP 135 N. PENNSYLVANIA STREET ROOM 2700 INDIANAPOLIS, IN 46204			EXAMINER	
			SMITH, MATTHEW J	
			ART UNIT	PAPER NUMBER
			3672	
DATE MAILED: 01/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/827,186

Applicant(s)

RESTARICK ET AL.

Examiner

Matthew J. Smith

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>19Apr.17May2004</u> . | 6) <input type="checkbox"/> Other: ____. |

Information Disclosure Statement

The information disclosure statement filed 19 April 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a copy of each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. The information referred to therein has not been considered. The three articles cited on the PTO-1449 are not in the database. Please re-submit these articles in the response to this Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dublin, Jr. (6068394) in view of Mohn (5334801).

Dublin, Jr. discloses a tubular body 20, fiber optic communication line (col. 4, line 59), and an external sensor 48 embedded in the body sidewall but not the line embedded in the sidewall.

Mohn displays conductor 10 for a communication line embedded in the sidewall.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to embed the Dublin, Jr. communication line, as displayed by Mohn, in order to provide for communication (Mohn, col. 1, lines 13-14).

Art Unit: 3672

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dublin, Jr. and Mohn as applied to claim 1 above, and further in view of Frederick et al. (6288975).

The combination of Dublin, Jr. and Mohn disclose a tubular body 20, fiber optic communication line (col. 4, line 59) embedded in the sidewall, and an external sensor 48 embedded in the body sidewall but not a nonmetallic or composite sidewall material.

Frederick et al. present a plastic mandrel (col. 3, line 45) and specifies material able to withstand downhole conditions (col. 3, lines 33-52).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to fabricate the Dublin, Jr. body from plastic, as presented by Frederick et al., since it is well known to do so. Further, it would also have been obvious to use a composite material since any material meeting the requirements set forth in Frederick et al. would have been considered by the ordinary artisan.

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dublin, Jr. and Mohn as applied to claim 1 above, and further in view of Shirk et al. (6199629).

The combination of Dublin, Jr. and Mohn disclose a tubular body 20, fiber optic communication line (col. 4, line 59) embedded in the sidewall, and an external sensor 48 embedded in the body sidewall but not a sensor for a parameter internal to the body or a seismic sensor.

Shirk et al. display a sensor 32 for an internal parameter and a seismic sensor (col. 5, line 24) in a downhole system.

Art Unit: 3672

processors to develop databases of information collected over time (Shirk et al., col. 2, lines 38-40).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Smith whose telephone number is 703-305-5135. The examiner can normally be reached on T-F, 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Bagnell
Supervisory Patent Examiner
Art Unit 3672

MJS *MJS*
4 January 2005